

REMARKS

STATUS OF THE CLAIMS

Claims 45-70 are pending. Claims 48, 49, and 66-68 were canceled. After entry of this Reply and amendment, claims 45-47, 50-65, 69 and 70 will be pending. No new matter is added by entry of this amendment.

RESTRICTION REQUIREMENT

In the Office Communication dated March 21, 2006, claims 45-70 were subject to restriction under 35 U.S.C. § 121, as follows:

Group I Claims 45-65, 69, and 70, drawn to an apparatus for the simultaneous transfer of liquid analytes, comprising a holder device, classifiable in class 435, subclass 287.3.

Group II Claims 66-68, drawn to a process for adapting the distance between capillary tubes in an array, classifiable in class 436, subclass 180.

According to the examiner, the inventions of Group I and Group II are related as processes and apparatus for its practice. The examiner believes that the inventions are distinct if it can be shown that either: (1) the process as claimed can be practiced by another and materially different apparatus or by hand, or (2) the apparatus as claimed can be used to practice another and materially different process. The examiner stated that the apparatus of Group I may be used for the simultaneous transfer of liquid analytes, which is materially different process from adapting the distance between the capillary tubes in an array, as in Group II

The examiner stated that since the inventions are independent or distinct for the reasons discussed above and have acquired a separate status in the art in view of their different classification, restriction for examination purposes as indicated is proper. Therefore, the examiner stated that because the inventions are independent or distinct for the reasons given above and the inventions require a different field of search, restriction for examination purposes as indicated is proper.

The examiner further stated that the application contains claims directed to the following patentably distinct species: An array that is (a) rectangular, (b) concentric, and (c)

spiral. According to the examiner, the species are independent or distinct because they have materially different design. The examiner concluded that applicants are required under 35 U.S.C. §121 to elect a single disclosed species for prosecution on the merits to which the claims will be restricted if no generic claim is finally held to be allowable. The examiner viewed claims 45 and 46 as generic.

The examiner further stated that the application contains claims directed to the following patentably distinct species: A device that is a screw device or a worm device. According to the examiner, the species are independent or distinct because they have materially different design. The examiner concluded that applicants are required under 35 U.S.C. §121 to elect a single disclosed species for prosecution on the merits to which the claims will be restricted if no generic claim is finally held to be allowable. The examiner viewed claim 66 as generic. Claim 66 was cancelled.

The examiner further stated that the application contains claims directed to the following patentably distinct species: Distance that are 1 mm, 1.414 mm, 2 mm, 2.236 mm, 3 mm or 3.623 mm. According to the examiner, the species are independent or distinct because they have different effects. The examiner concluded that applicants are required under 35 U.S.C. §121 to elect a single disclosed species for prosecution on the merits to which the claims will be restricted if no generic claim is finally held to be allowable. The examiner viewed claims 66 and 67 as generic. Claims 66 and 67 were cancelled.

Applicants elects Group 1, claims 45-65, 69, and 70 and elect the single species of an array that is (a) rectangular.

In the event of rejoinder, the requirement for restriction between the product claims and the rejoined process claims will be withdrawn, and the rejoined process claims will be fully examined for patentability in accordance with 37 C.F.R. § 1.104. Until an elected product claim is found allowable, the examiner stated that the restriction requirement between product claims and process claims will be maintained.

CONCLUSION

Solely to advance prosecution and without prejudice to pursuing the claims in a continuing application, claims 48-49 and 66-69 were canceled. Applicants reserve the right to

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pursue the subject matter of all canceled or non-elected claims in one or more related applications.

Applicants hereby elect to prosecute the claims of Group I, 45-65, 69, and 70 and elect the single species of an array that is (a) rectangular.

Applicants respectfully request an early and favorable action.

The examiner may call the undersigned at 206.332.1396 if a telephonic interview is required.

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